



UNITED STATES PATENT AND TRADEMARK OFFICE

08 AUG 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

In re Application of:

FUJIKAWA, Takumi, et al.

U.S. Application No.: 10/569,944

PCT No.: PCT/JP2004/012668

International Filing Date: 26 August 2004

Priority Date: 29 August 2003

Attorney Docket No.: 0757-0312PUS1

For: RADAR APPARATUS OR LIKE

DECISION ON PETITION TO
CHANGE INVENTOR'S NAME
(37 CFR 1.182)

This decision is issued in response to applicants' "Response To Notification Of Missing Requirements" filed 18 July 2008, treated herein as a petition under 37 CFR 1.182 to change the name of record for inventor Sae SHIBATA to Sae TAKEMOTO. Deposit Account No. 02-2448 will be charged the required \$400 petition fee.

BACKGROUND

On 26 August 2004, applicants filed international application PCT/JP2004/012668. The application claimed a priority date of 29 August 2003, and it designated the United States. On 10 March 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 28 February 2006. The published international application identified the third inventor as Sae SHIBATA.

On 28 February 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and an executed declaration. The name of the third inventor set forth on the declaration was Sae TAKEMOTO.

On 12 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification indicated that the declaration filed on 28 February 2006 was defective because the name of the third inventor on the declaration was different from this inventor's name on the published international application.

On 18 July 2008, applicants filed the "Response To Notification Of Missing Requirements" considered herein (with required extension fee). The response is treated as a

petition under 37 CFR 1.182 to change the name of record for inventor Sae SHIBATA to Sae TAKEMOTO.

DISCUSSION

Section 1893.01(e) of the Manual Of Patent Examining Procedure (“MPEP”) states the following:

Where ... the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c). However, where the discrepancy between the name of the inventor indicated in the international application during the international phase and the name of the inventor as it appears in the oath or declaration submitted under 37 CFR 1.497 is the result of a typographical or transliteration error, then a petition under 37 CFR 1.182 will not be required. In such case, the Office should simply be notified of the error.

In the present application, the discrepancy between the third inventor's name as listed in the international application (SHIBATA) and in the filed declaration (TAKEMOTO) is more than a “typographical or transliteration error.” Accordingly, in order to correct the name of record for this inventor, a grantable petition under 37 CFR 1.182 is required.

Section 605.04(c) of the MPEP, referred to above, sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name. According to the MPEP, such a petition “must include an appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a copy of the court order.”

Applicants' 18 July 2008 submission included the authorization to charge Deposit Account No. 02-2448 for any required fees. Based on this authorization, Deposit Account No. 02-2448 will be charged the required \$400 petition fee. Applicants' submission also includes a “Statement By Inventor” in which the inventor states that her name was changed as a result of marriage from Sae SHIBATA to Sae TAKEMOTO. These materials satisfy the requirements for a grantable petition under 37 CFR 1.182 to change the name of record for this inventor from Sae SHIBATA to Sae TAKEMOTO.

Based on the correction of the name of the third inventor, the declaration filed on 28 February 2006 is no longer defective.

CONCLUSION

Applicants' petition under 37 CFR 1.182 to change the name of record for inventor Sae SHIBATA to Sae TAKEMOTO is **GRANTED**.

Based on this correction, the declaration filed 28 February 2006 is acceptable in compliance with 37 CFR 1.497.

Deposit Account No. 02-2448 will be charged the required \$400 petition fee.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including correcting USPTO records to indicate that the name of record for the second inventor is Dirk GANDOLPH. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 28 February 2006.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459